

APPROVED: Meeting No. 1-83

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 43-82

December 6, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, December 6, 1982, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner

ABSENT

Councilman Steve Abrams
(on travel leave)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen M. Heneghan, City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. Last friday, the Chief Administrative Officers and City Managers in the COG District held a session on how to improve productivity and cut costs. The Rockville Slide Show was used as a resource. There will be further meetings on that subject in the future.

On December 20, the City Manager will speak to the Society of Retired Scientists and Engineers.

2. The annual Civic Center open house will be held on Sunday from 1 to 4 p.m. at the Mansion. At 3 p.m. the Winston Churchill Show Stoppers will entertain. The Mansion is decorated by the Rockville Women's Club.

3. The Council of Governments bidding for gasoline will result in a 5 percent savings to area jurisdictions.

4. Last Wednesday the liquor license for the Rockville Deli was revoked due to the establishment not being operational within 90 days after the fire.

Councilman Tyner said he and Councilwoman Hovsepian had attended the National League of Cities meeting in Los Angeles last week. A report will be forthcoming to the Council.

Councilman Tyner said the Rockville Little Theatre closed its show "Anne of A Thousand Days" last week. The director and production manager of the show are here this evening and on behalf of them he presented the "Gold Hat Award" to the City. The Gold Hat is generally given to a member of the theatre group at the last performance honoring some "fluff" that occurred during the run of the show.

Re: Appointments

Mayor Freeland made the following appointments. They were confirmed by the Council:

Board of Appeals: Karen Lechter - 3 year membership term

Alternative Community Service Commission: Michael Gordon - 2 year membership
(former alternate)

Dorothy Ott - 2 year membership
(former alternate)

Humanities Commission: Douglas J. Adams - 2 year membership
217 Falls Road

Human Rights Commission: Edith M. Kropp - 4 year membership
734 Azalea Drive

Representative to Community Television Corp. Task Force: Russell I. Brown
257 Congressional Lane
Apt. 719

Representative to Cable Communications Advisory Committee: Harvey Zuckman
1235 Derbyshire Rd

Re: Resolution: To Affirm
the Mayor and Council's
Commitment to Ensuring
Human Rights

Resolution No. 33-82

Mayor Freeland said that he can recognize the Human Rights Commission's intent and concern in this matter and he knows the City is limited in its ability to act. However, it is his finding that Montgomery County's legislation goes one step further by providing financial support. Tonight he will ask, under new business, if the Mayor and Council will adopt the same language the County has adopted and ask Montgomery County to enforce this law within the City limits.

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, Resolution No. 33-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, affirming the Mayor and Council's commitment to Human Rights, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein said the Governor's Commission on Housing has been formed. It will endeavor to see how the lack of housing impacts on low and medium income people. It will also look at housing in general. It is almost impossible for people below \$20,000 income to be provided housing. He suggested that a City ordinance be prepared that mirrors Montgomery County's MPDU Plan. He also noted his concern about Shelters in the City and said he hoped the problem might be incorporated into the Emergency Assistance Program, possibly amend the Program's language to do so. He said the Mayor and Council should endeavor to incorporate in to Rockville as many other government regulations and laws as possible to take advantage of other's experience.

2. Robert Weirich, president of Peerless Rockville. Mr. Weirich addressed the Mayor and Council concerning the Dawson Farmhouse property and briefed them on the background and the Mayor's suggestion of a revolving fund. He told the Council that on November 22, Peerless Rockville contracted with Mr. & Mrs. Owens to purchase and renovate the farmhouse for \$20,000. A design review meeting was held on November 30. He introduced Mr. & Mrs. Owens who would own and renovate the property. The Peerless Plan is to ask the City for a \$50,000, no interest loan, to assist. Originally they had discussed \$20,000 from Peerless, \$30,000 from the City. This would have all the loan in one place. Councilwoman Hovsepien said it is confusing since she first thought the \$30,000 loan was offered to Peerless itself to use to renovate, then sell and create a revolving fund. Mr. Weirich explained the situation of loaning the money directly. Councilman Duncan asked if Peerless or the Owens have looked into a mortgage commitment from the bank. Councilman Tyner agreed this was a good suggestion. Mr. Weirich said this could be done. In the meantime, the Owens have suggested changes to the lot boundaries so there is a need for a survey to determine if the size is still the same. Mayor Freeland said he appreciates the update. The Mayor and Council will discuss it this evening in executive session and be back to Peerless with the results. Councilman Tyner asked Mr. Weirich if this property were not necessary to establish a revolving fund, would it be addressed in the same manner. Mr. Weirich said he would prepare an answer and return it to the Mayor and Council.

3. Cheryl Friedman, 128 S. Adams Street. Mrs. Friedman presented a petition to the Mayor and Council requesting speed bumps on S. Adams Street. The petition was signed by all the residents and they are unanimous in their request - old and young see the need. Councilman Tyner asked if they were requesting the same kind as Lewis Avenue. Mrs. Friedman said she did not realize there was a choice; however, the neighborhood was anxious to have something done and soon. Councilwoman Hovsepian asked the City Manager for the results of Lewis Avenue survey on the success of the speed humps. The City Manager said that will be coming in January.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Adoption of Ordinance: To
levy special assessment for
the construction of Dover Road

Ordinance No. 37-82

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Ordinance No. 37-82, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, levying special assessments for the construction of Dover Road, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To
grant Map Amendment Applica-
tion, M-32-81, Pepsi Cola
Bottling Co., Applicant, re-
questing the land at Rockville
Pike & Twinbrook Pkwy. be
rezoned from the Present I-1,
Service Industrial to C-2,
General Commerical Zone

Ordinance No. 38-82

Councilman Tyner asked for information on the final staff work-up on access to Twinbrook Parkway. The City Attorney said that that matter would be decided at the use permit stage. Mr. Davis agreed and said staff had no opinion at this time since it will await for a site plan. Councilwoman Hovsepian suggested as few exits as possible be provided on Twinbrook Parkway due to the heavy traffic. The City Manager said the staff must wait to see the density of use before a decision can be made and what is acceptable and what is feasible. Mayor Freeland noted that there is a substantial record indicating the concern of the Mayor and Council and that should be evident to the Planning Commission

when they act on the use permit. Councilman Tyner agreed and said traffic surveys should be considered and the wishes of the Twinbrook Civic Association also before a decision is made.

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, Ordinance No. 38-82, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, granting rezoning application M-32-81, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To
adopt a revision section of
the Master Plan entitled
"History of Development"

Ordinance No. 39-82

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Ordinance No. 39-82, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, adopting a revision to the Master Plan, was adopted by the Mayor and Council.

Re: Approval of Contract to
purchase Maryvale School
site from Montgomery County

Before the Mayor and Council is an Agreement for the Sale of the Maryvale School which has been prepared by the Montgomery County staff as a result of negotiations that the Council will sell the property to the City if the City assumes responsibility for the outstanding debt service of \$78,000. The agreement also provides the City with the ability to demolish the school upon execution of the agreement and upon execution of a deed conveying the property from the Board of Education to the County Government.

Also being reviewed is a release executed by Church Development Corporation indemnifying the City and the County from any legal actions or claims which might result from the sale of the property to the City in return for a payment of \$15,000.

Both the Agreement for the Sale of the Maryvale School and the release are under review by the City Attorney. If the City Attorney has no objection to the documents, it is recommended that the Mayor and Council approve the purchase of the Maryvale School and authorize the City Manager to sign the agreement on behalf of the City.

Mayor Freeland said Montgomery County has been very cooperative, particularly the County Executive. Because of this, it has been possible to accomplish a great

deal in a short period of time. The City Manager told the Mayor and Council that settlement would be on December 23. Mr. Horne added that the State Board of Education has the final right of approval and they will be acting on a resolution December 22 to accomplish the transfer. Mayor Freeland designated Councilman Duncan as the point of contact for the Council to keep everyone informed.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, approval was given to purchase the Maryvale School.

Re: Approval of Agreement with
Church Development Corp.
for reimbursement of
expenses incurred in renovat-
ing Maryvale School

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, approval was given to the signing of a release, executed by Church Development Corporation in return for payment for \$15,000, Rockville and Montgomery County each paying \$7,500. This payment indemnifies the City and the County from any legal action or claims which might result in the sale of the property to the City.

Re: Approval of grant of ease-
ments to W.H. Rickman and
Mitchell & Best Partnership,
Red Gate Industrial Park

For some time, C.D.H.A., the Department of Recreation and Parks and the Department of Planning have been considering a proposal to construct a retaining wall between the Red Gate Golf Course and the Red Gate Industrial Park. The proposal to construct a retaining wall arose from City-Developer discussions about the installation of a fence at the edge of the golf course. It was then suggested by William M. Rickman that a solution which would be equitable to both the City and the developers would be the installation of a retaining wall which would separate the two properties. The retaining wall would also allow the rear of the privately owned properties to be regraded, in part, for more efficient use.

In order for the wall to be constructed, it will be necessary for the Mayor and Council to provide the two affected property owners, William M. Rickman and the Mitchell and Best Partnership with easements to accommodate such a retaining wall.

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, easements were granted to William H. Rickman and Mitchell and Best Partnership at Red Gate Industrial Park to construct the wall.

Re: Approval of acquisition of
right-of-way for the widen-
ing and improvement of
North Washington Street

For some time, C.D.H.A. has been negotiating with officials of the General Services Administration (GSA) and the U.S. Post Office regarding the acquisition of rights-of-way adjacent to the Post Office located at 2 West Montgomery Avenue. These rights-of-way are strips of land along the Montgomery Avenue and Washington Street frontages of the Post Office Site, which are needed for the widening and improvement of North Washington Street.

The United States of America acting through the GSA has agreed to convey the needed rights-of-way to the City in the form of an easement at no cost.

It is, therefore, recommended that the Mayor and Council approve the acquisition of the needed rights-of-way from the United States of America for the widening and improvement of North Washington Street.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, acquisition of the needed right-of-way was approved by the Mayor and Council.

Re: Executive Session

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session to discuss litigation.

There being no other business in Executive Session, the meeting was reopened.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. S. Aggarwal, re Rockville Deli
2. Congressman Barnes, re Post Office easement
3. SHA, re signal at Rt. 355 and North Campus Drive
Councilwoman Hovsepian noted this is taking place.
4. Senator Shore, re thank you note
5. Unitarian Church, re nuclear arms freeze
6. Congressman Barnes, re thank you note
7. Councilman Potter, re Resolution 9-2032
8. Hungerford/Stoneridge Association, re Dawson Farm House sale
Mayor Freeland asked that this be added to the record.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from City Manager re North Washington/Dawson signal project
Councilman Tyner noted his pleasure with this.
2. Memo from Director of Planning re revised sign ordinance procedure
Councilman Tyner noted this seems to be a realistic schedule.
3. Memo from Director of Planning re Planning Area #3 & #6 membership list
4. Response to citizen complaints
5. Memo from Public Works re Ritchie Parkway
Councilwoman Hovsepian noted receipt of these items.
6. Response to grant application for Humanities history project
7. Memo from Community Resources re emergency services available
8. Copy of citizen complaint
9. Copy of letter protesting change in Water Resources Board procedures
10. Memo from City Attorney re Grievance Procedure of RHA
11. Memo from City Attorney re William Lawson King et al. v. Mayor and Council
12. Memo from City Manager re Parking Enforcement Officers
Councilwoman Hovsepian noted receipt of these items.
13. Memo from Director of Finance re Computer terminal specs
14. Memo from Director of Finance re compatibility of transact
15. Letter to SHA in response to citizen complaint
16. Progress report on Brent Road paving
Councilwoman Hovsepian noted receipt of these items.
17. Activity report from Director of Finance
Councilwoman Hovsepian noted receipt of these items.
18. Memo from CDHA re meeting of RHA and HRC Chairmen
The City Manager said the meeting will be held December 14.
19. Memo from City Attorney re amendment to Sec. 2-203(a) of the Zoning Ord.
Councilman Duncan asked the results of the Board of Appeals meeting.
The City Manager reported the application for a sign was denied.

Re: New Business

1. Councilman Duncan said he had received some material from Montgomery County on Landlord/Tenant legislation. He would like copies made for the Council and included in the brief book together with comments from Mr. Duffy of CDHA.
2. Councilman Duncan said the Mayor had mentioned earlier in the meeting that the Council might consider some legislation that goes a bit further than the resolution adopted on hate and violence. The City Attorney said he would

draft a formal ordinance for next week's agenda.

3. Councilwoman Hovsepian asked if the Council might be given a copy of priorities reached as a result of the Council's work session a few weeks ago.

4. The City Manager showed a draft copy of a letter to be sent to senators and Congressman Barnes asking for a six-month delay in the effectiveness of the legislation requiring registration of municipal bonds. The Council agreed to the letter.

5. Councilwoman Hovsepian drew the Mayor and Council's attention to an article in C-TIP Magazine on the City Manager.

Re: Approval of Minutes

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 40-82, were approved as written.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 40A-82, were approved as written.

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 41-82, were approved as amended.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, it was agreed that the work session on budget guidelines would be postponed until December 13 and the meeting was adjourned at 11:45 p.m. to convene again in general session on Monday, December 13, 1982, at 8:00 p.m. or at the call of the Mayor.